

SNYGG et al
Appl. No. 09/866,867

REMARKS/ARGUMENTS

Favorable reexamination of the captioned application is respectfully requested, particularly with reference to patentability considerations such as those which follow.

A. PATENTABILITY OF THE CLAIMS

Claims 1, 3-6 and 8 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,781,860 to Lopponen et al in view of U.S. Patent 6,023,609 to Futamura. Claims 2, 7 and 9-12 under 35 USC 103(a) as being unpatentable over U.S. Patent 6,023,609 to Futamura in view of U.S. Patent 6,289,218 to Liu et al. All prior art rejections are respectfully traversed for at least the following reasons.

Lopponen (US 5,781,860) discloses a system with a plurality of subscriber stations which are able to communicate with each other in so called "direct mode" upon receiving a command to do so from a dispatcher. As described starting at column 5, line 37, a device in the system of Lopponen receives a command (see Fig 2) by means of which the device starts to operate at a direct mode channel. Lopponen is completely silent as to how the direct mode channel. As the Examiner correctly asserts, Lopponen is not only silent about a *variable* filter for tuning a transceiver to a selected channel, Lopponen is in fact totally silent about the existence of *any* filter in the devices of his system.

There is thus no reason for a man skilled in the field to want to introduce filters into the Lopponen devices, much less the type of filters claimed by Applicants. But even if a man skilled on the field wanted to introduce a filter into the device of Lopponen, there is nothing in the Futamura document which would lead to Applicants' claimed structure, which has a very specific location of the filter. The Futamura document (US 6,023,609) does not even show or comprise an antenna¹ in the system disclosed, so that the purported combination, even if assumed proper, would not realize the claimed structure.

¹ Contrary to the Examiner's assertions, the Futamura document (US 6,023,609) does not show or comprise an antenna in the system disclosed. Figs 3 and 4, which the Examiner contends show an antenna, are described in column 4, line 9 - column 5, line 8, and fail to teach an antenna.

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No mention is made of an antenna in the cited parts of Futamura, nor anywhere else in the text. Thus, the feature of claim 9, the location of the filter, is not hinted at in either of these documents. Also, like the Lopponen document, Liu is absolutely silent on how the change to a new channel is made, meaning that there is no reason for somebody looking at Liu to want to turn to Futamura for a filter, variable or otherwise, for this purpose.

In view of the foregoing and other considerations, Applicants request withdrawal of the pending rejections and allowance of the application. The purported combinations are not proper, but even if proper would not realize the subject matter of Applicants' independent claims.

C. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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